

**HB 42**  
**Sectional Analysis Ver D**

**Section 1:** Amends AS 04.16.220(b) to repeal reference to forfeiture remedy specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 2:** Amends AS 08.54.720(f) to repeal reference to forfeiture remedy specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 3:** Amends AS 11.41.468(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 4:** Amends AS 11.46.487 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 5:** Amends AS 11.61.129(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 6:** Amends AS 11.66.145 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 7:** Amends AS 11.66.270 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 8:** Amends AS 11.73.060 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 9:** Amends AS 12.36.020(a) to provide that property may be returned pursuant to the Forfeiture Act.

**Section 10:** Amends AS 12.36.060(a) to repeal forfeiture language specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 11:** Amends AS 12.36.060(c) to repeal forfeiture language specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 12:**

- A) Adds AS 12.36.300, which describes when a person's property is subject to forfeiture.
- B) Adds AS 12.36.310, which defines the offenses for which forfeiture is permitted under the Forfeiture Act.
- C) Adds AS 12.36.320, which provides a method for requesting the return of seized property.
- D) Adds AS 12.36.330, which provides the requirements for an ancillary forfeiture claim.
- E) Adds AS 12.36.340, which provides the requirements for forfeiture proceedings. These include 1) that the proceeding occur immediately after a conviction in the underlying criminal trial, 2) that it be governed by the clear and convincing evidence standard, and 3) the factors relevant to the forfeiture proceeding.
- F) Adds AS 12.36.350, which governs the transfer of seized property to other state or federal entities.
- G) Adds AS 12.36.360, which provides the conditions upon which the State may seek the forfeiture of substitute property.
- H) Adds AS 12.36.370, which prohibits joint and several liability regarding the forfeiture of property.
- I) Adds AS 12.36.380, which provides a method by which the party from whom forfeiture is sought may claim that the forfeiture violates his or her constitutional rights.
- J) Adds AS 12.36.390, which prescribes the method of appeal for forfeiture orders under the Act.
- K) Adds 12.36.400, which prescribes how forfeited property and/or the revenue derived from forfeited property will be handled by the State and subdivisions of the State.

- L) Adds 12.36.410, which prohibits the forfeiture of the property of innocent owners and provides a method by which innocent owners may seek the return of property for which forfeiture is sought.
- M) Adds 12.36.420, which defines the procedures for holding seized property that is not required by law to be destroyed.
- N) Adds 12.36.430, which requires law enforcement agencies to track forfeitures along with the revenue derived therefrom and to provide an annual report regarding the same.
- O) Adds 12.36.440, which provides for when seized property must be returned.
- P) Adds 12.36.450, which sets out the procedures by which seized property may be transferred to other law enforcement agencies.
- Q) Adds AS 12.36.490, which provides definitions for AS 12.36.300-.490.

**Section 13:** Amends AS 16.05.190 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 14:** Amends AS 16.05.722(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 15:** Amends AS 16.05.723(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 16:** Amends AS 16.05.782(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 17:** Amends AS 16.05.783(c) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 18:** Amends AS 16.05.905(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 19:** Amends AS 16.43.970(g) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 20:** Amends AS 17.30.110 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 21:** Amends AS 18.60.148(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 22:** Amends AS 22.07.020(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 23:** Amends AS 22.15.240 to add the right to appeal to the Superior Court a District Court decision under the forfeiture act.

**Section 24:** Amends AS 28.35.030(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 25:** Amends AS 28.35.030(n) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 26:** Amends AS 28.35.032(g) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 27:** Amends AS 28.35.032(p) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 28:** Amends AS 43.50.620 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 29:** Amends AS 43.50.625(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 30:** Amends AS 43.50.625(d) to repeal reference to forfeiture remedy specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 31:** Repeals the piecemeal forfeiture procedures applicable across the various statutes that have been amended to provide that forfeiture proceedings must be subject to the Forfeiture Act.

**Section 32:** Adds uncodified law explaining the indirect effects on the Alaska Rules of Criminal Procedure and evidence.

**Section 33:** Adds uncodified law explaining the applicability of the Forfeiture Act to all forfeiture proceedings.

**Section 34:** Adds uncodified law providing that the passage of the law is conditional on a two-thirds vote of each house for Section 34 of the bill.

**Section 35:** Provides an effective date of July 1, 2017.